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SIND ORDINANCE NO. VIII of 1987.

THE SIND LOCAL GOVERNMENT (FOURTH AMENDMENT) ORDINANCE, 1987.

[5th November, 1987]

An Ordinance to amend the Sind Local Government Ordinance, 1979.

Preamble.

WHEREAS it is expedient to amend the Sind Local Government Ordinance, 1979, in the manner hereinafter appearing;

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sind is satisfied that circumstances exist, which render it necessary to take immediate action;

Short title and commencement.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Sind Local Government (Fourth Amendment) Ordinance, 1987.

(2) It shall come into force at once.

Amendment of section 3 of Sind Ordinance, XII of 1979.

2. In the Sind Local Government Ordinance, 1979, hereinafter referred to as the said Ordinance, in section 3-

(i) Clause (20) shall be omitted;

(ii) For clause (82), the following clauses shall be substituted:--

"(82) "worker" means any person employed in a factory as defined in the Factories Act, 1934 or in an industrial or commercial establishment as defined in the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, at least for one year to do any skilled or unskilled, manual or clerical labour for his or reward;

(83) "Zonal municipal committee" means a municipal committee constituted in the city of Karachi under this Ordinance.".

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3. In the said Ordinance, in section 10—

Amendment of section 10 of Sind Ordinance XII of 1979.

(a) in sub-section (1), in clause (a) in sub-clause (iii), the following proviso shall be added:

"provided that in the city of Karachi there shall be a metropolitan corporation and a zonal municipal committee for each district;"

(b) in sub-section (2), for the words "a district council" the words "the metropolitan corporation or a district council" shall be substituted.

4. In the said Ordinance, in section 23, for the words and commas "other than official members, if any", the words "mentioned in clause (a) of sub-section (1) of section 14" shall be substituted.

Amendment of section 23 of Sind Ordinance XII of 1979.

5. In the said Ordinance, in section 26, after sub-section (2), the following new sub-sections shall be added:----

Amendment of section 26 of Sind Ordinance XII of 1979.

"(3) A Mayor, Deputy Mayor, Chairman or Vice-Chairman shall cease to hold office on becoming a Minister or Advisor in the Federal or Provincial Government;

(4) A Chairman of a zonal municipal committee shall cease to hold office of the Chairman on becoming a Mayor.".

6. In the said Ordinance, after section 37, the following new section shall be inserted:-

Insertion of section 37-A of Sind Ordinance XII of 1979.

"37-A. Bar on election on party basis.

(1) Notwithstanding any other provision of this Ordinance, no person contesting an election under this Ordinance shall, for the purpose of such election, use the name, flag, symbol or ticker of a political party or its platform or support, nor shall he raise any ethnic or regional slogans:

Provided that a candidate shall not be disqualified from contesting election by reason only of his being a member of a political party.

(2) If the Election Authority, after such enquiry as it deems fit, is satisfied that any person is acting or has been elected in contravention of the provisions of sub-section (1), it shall order that such person shall cease to be a candidate for such election or, as the case may be, to be a member, and shall stand disqualified for being elected as a member for a period of four years:

Provided that no such order shall be passed without affording the person concerned an opportunity of being heard.".

Amendment of section 38 of Sind Ordinance XII of 1979.

7. In the said Ordinance, in section 38----

(i) before the existing proviso, the following proviso shall be added:

"Provided that the members of the metropolitan corporation shall be elected by each zonal municipal committee from amongst its members on the basis of proportioned representation.";

(ii) in the existing proviso between the word "provided" and the word "that" the word "further" shall be inserted.

Amendment of section 40 of Sind Ordinance XII of 1979.

8. In the said Ordinance, in section 40, in sub-section (1)----

(a) between the word and comma "corporation," and the words " municipal committee" the words and comma, "a zonal municipal committee," shall be inserted;

(b) in the proviso---

(i) between the words "the Karachi Metropolitan Corporation" and the word "and" the words "or a zonal municipal committee" shall be inserted;

(ii) the full-stop at the end shall be replaced by a colon and thereafter the following further provisos shall be added:-

"Provided also that the metropolitan corporation may, with the consent of a zonal municipal committee and where the zonal municipal committee does not give consent, with the approval of Government, perform any function of the zonal municipal committee subject to such conditions as Government may specify.".

Amendment of section 60 of Sind Ordinance XII of 1979.

9. In the said Ordinance, in section 60___

(i) In sub-section (1), in the proviso, the full-stop at the end shall be replaced by a colon and thereafter the following further provisos shall be added:---

"Provided further that where a tax, toll or fee is leviable both by the metropolitan corporation and a zonal municipal committee, the zonal municipal committees shall not levy such tax, rate, toll or fee except with the sanction of the metropolitan corporation:

Provided also that the metropolitan corporation may, with the consent of a zonal municipal committee and where the zonal municipal committee does not give consent, with the approval of Government, levy and tax, rate, toll or fee leviable by the zonal municipal committee subject to such conditions as Government may specify.".

(ii) for sub-section (2), the following sub-section shall be substituted:--

"(2). The metropolitan corporation shall give share of the taxes, rates, tools or fees collected by it to the zonal municipal committees in such proportion as may be determined by Government.".

Omission of sections 89 and 90 of Sind Ordinance XII of 1979.

10. In the said Ordinance, section 89 and section 90 shall be omitted.

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11. In the said Ordinance, for section 91, the following shall be substituted:--- **Amendment of section 91 of Sind Ordinance XII of 1979.**

"91. Dispute between councils. If any dispute arises between two or more councils, the matter shall be referred to Government and its decision shall be final and binding on the councils.".

12. In Schedule I---- **Amendment of Schedule I to Sind Ordinance XII of 1979.**

(i) for entries against serial No.1, the following shall be substituted:---

"1. Karachi Metropolitan Corporation.	One third of the members of each zonal municipal committee.
1-A. All Zonal Municipal Committees.".	Number of members as determined by the Government; provided that for the first elections the number of members shall be 204 to be apportioned by the Government to the zonal municipal committees.

(ii) In entry against serial no.2, between the words "municipal committees" and the word "and" the words "other than the zonal municipal committees" shall be inserted.

13. In the said Ordinance, in Schedule II, for Part I, the following shall be substituted:--- **Amendment of Schedule II to Sind Ordinance XII of 1979.**

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PART-I

FUNCTIONS TO BE PERFORMED BY THE METROPOLITAN CORPORATION EXCLUSIVELY.

1. Physical Planning, Town Planning and Building Control;

2. Trunk sewerage system, sewerage treatment plants and sewerage farms;

3. Bulk Water Supply;

4. Refuse disposal plants;

5. Abattoirs and cattle colonies;

6. Special and General Hospitals and Maternity homes with 50 beds or more like Spencer's Eye Hospital, Leprosy Hospital, Epidemic Hospital, New Challi Hospital, Lyari Hospital, Sobhrajh and Ranchore Lane Maternity Homes;

7. Planning and supervision of Vector Control;

8. Planning, development and maintenance of food laboratories;

9. Air and Water Pollution Control;

10. Milk supply Schemes;

11. Planning, development and maintenance of Metropolitan Roads and Storm Water Drains;

12. Metropolitan Transport;

13. Traffic Engineering;

14. Land control;

15. Higher and specialized education including Teachers Training;

16. Regularization of katchi Abadis and Implementation of Special Karachi Development Project;

17. Municipal Police;

18. Control Workshops and Press;

19. Zoological gardens, aquaria, Metropolitan Stadium, Safari Parks, Sports Complexes and beaches;

20. Metropolitan Libraries, museum and Art Galleries;

21. Preservation of landscape, river training and flood control;

22. Planning, development and maintenance of fire fighting services;

23. Control of infections diseases;

24. Public ferries;

25. Articles of food and drink;

26. Site development schemes;

27. Civil Defence;

28. Metropolitan Burial grounds and burning places;

29. Forests;

30. Training of Municipal Servants;

31. Any other function assigned by Government.

PART-I-A

FUNCTIONS TO BE PERFORMED BY THE ZONAL MUNICIPAL COMMITTEES.

"All functions of the Municipal Committees except those in Part I.".

Amendment of Schedule V to Sind Ordinance XII of 1979.

14. In the said ordinance, in Schedule V (a) for Part I, the following shall be substituted.".

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"PART-I

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY THE METROPOLITAN CORPORATION.

1. Tax on the import of goods for consumption use or sale in the Karachi Metropolitan area;

2. Tools on road, bridges and ferries;

3. Tax on vehicles of all kinds and boats;

4. Drainage tax;

5. Fire Tax;

6. Development tax for specified periods for specific public benefit or public utility projects;

7. Rate for the bulk supply of water;

8. Fees for specific services rendered and licences/sanctions/permits granted;

9. Tax on application for the erection and re-erection of buildings;

10. Fees for educational institution run by the Metropolitan Corporation;

11. Fees for the slaughtering of animals;

12. Cess on taxes levied by Government;

13. Any other tax which Government is empowered to levy by law.

PART-I-A

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY THE ZONAL MUNICIPAL COMMITTEE.

All taxes recoverable under this Ordinance by the Municipal Committees except those leviable and collected by the Metropolitan Corporation.".

(b) in the heading of Part-II, for the word "including" the word "excluding" shall be substituted.

Amendment of Schedule VI to Sind Ordinance XII of 1979.

15. In the said Ordinance, in Schedule VI, in Part-II after entry 48, the following new entries shall be inserted:--

"48-A. Writings or paintings any objectionable, abusive, provocative slogans or words on a building.

48-B. Failute to remove or erase bills, notices, placards, papers, writings, paintings, referred to in entries 48 and 48-A by the owners or occupiers of the buildings.".

Transitional.

16. Notwithstanding anything contained in the Sind Local Government Ordinance, 1979---

(a) the electoral units of the existing metropolitan corporation shall be the electoral units for the first elections to the zonal municipal committees;

(b) the metropolitan corporation functioning immediately before the coming into force of the Sind Local Government (Fourth Amendment) Ordinance, 1987, shall continue to function until the Karachi Metropolitan Corporation and the zonal municipal committees are constituted and start functioning;

(c) the Karachi Metropolitan Corporation shall with the approval of Government, prepare statement of estimated receipts and expenditure for the financial year 1987-88 in respect of the metropolitan corporation and the zonal municipal committees;

(d) government may, in consultation with, the Karachi Metropolitan Corporation, distribute---

(i) the assets and liabilities including movable and immovable property between the metropolitan corporation and the zonal municipal committees in such manner and proportion as deemed fit;

(ii) the officers, and employees of the metropolitan corporation to serve the metropolitan corporation and the zonal municipal committees;

(e) where any difficulty arises within twelve months of the coming into force of the Sind Local Government (Fourth Amendment) Ordinance, 1987, as to the implementation of the provisions of the said Ordinance, Government may give appropriate directions for removal of such difficulty.